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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,335	10/04/2002	George J. Dratewski	1088.02001	2198

24254 7590 04/22/2004

ROGER A JACKSON, ESQ
800 PENNSYLVANIA
SUITE 1504
DENVER, CO 80203-3185

EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,335

Applicant(s)

DRATEWSKI, GEORGE J.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 October 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the first action relating to serial application number 10/065,335, filed 10/04/2002.

Claims 1-20.

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.
2. The drawings are objected to because the drawing has markings that are not part of the drawing figures. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidow (5,611,556) in view of Hartmann (4,716,777). Davidow discloses a drive train (24) for a bicycle mounted at lower middle junction of a bicycle frame, the assembly comprising a pedal assembly (38) journaled to the housing pedal frame (36), a drive shaft (34) fixedly mounting a plurality of different diameter drive elements (30), a driven

shaft (44) with a rotational axis, the driven shaft mounting a plurality of rotational unfixed different diameter driven elements (40) coaxially, a plurality of connecting elements (52-54) which are sprocket chains, rotationally coupling the drive elements to the driven elements, means (44, 302) for engaging a selected single driven elements to the driven shaft to establish a selected rotational ratio between the drive shaft and the driven shaft. Davidow does not disclose the drive train is in assembly in a housing, which is mounted on a bicycle frame. Hartmann discloses a drive train assembly in a housing mounted on a bicycle frame in order to protect the drive train from undesirable elements such as dust and atmospheric elements that causes corrosion and to protect the operator's legs during operation of the bicycle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the drive train of Davidow to include a housing in view of Hartmann in order to protect the drive train from undesirable elements such as dust and atmospheric elements that causes corrosion and to protect the operator's legs during the operation of the bicycle.

In claims 2 & 12, note the means (44, 302) is within the shaft and the selected position is accomplished by an axial linkage (200, 312) that is within the void in the shaft.

In claims 3 & 13, note the driven shaft has a plurality of apertures (300).

In claims 4 & 14, note the cavity (48) in the sprocket.

In claims 5, 7 & 17, note the fingers (102, 318/320) that are biased to insert in the cavity (48).

In claims 6, 8, 15-16 & 18, note the springs (310) biasing the fingers.

In claims 9 & 19, note the linkage (200) apparently attached to the handle bar (not labeled).

In claims 10 & 20, note the linkage comprises a reverse acting control cable that is operable to move in the opposite direction.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Douglass (5,303,605), Baumgartner (2,165,201), Hwang et al. (5,404,768) and Pusic (5,924,950) disclose a drive train for a bicycle comprising conical gears mounted in a housing. Crafts (499,159), Pusic (5,537,888), and Bertin (3,772,927) disclose conical gear train transmission for a vehicle.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Marcus Charles
Primary Examiner
Art Unit 3682
April 07, 2004

7.